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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,943	10/10/2003	Leslie Maidment		7938

7590 06/22/2006
MR. P. MORGAN
207 Von Neumann Drive
Princeton, NJ 08540

EXAMINER

WONG, STEVEN B

ART UNIT PAPER NUMBER

3711

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/681,943		MAIDMENT, LESLIE	
	Examiner		Art Unit	
	Steven Wong		3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: on line 91, the closure cap (24) is not shown. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: On page 4, line 64, the language "fiction" is misspelled.

On lines 80 and 81, the language "instead a magnet" is inapt.

On line 91, the language "collar. 21 passes" is improper.

On line 106, the language "holder 3" is unclear as the holder is defined as element 2.

On lines 115 and 116, the language "equip-spaced" is unclear.

On line 122, the language "the binder 34" is unclear as the binder is defined as element 33.

Appropriate correction is required.

Art Unit: 3711

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification does not define the end flange (claim 4).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the preamble of the claim is indefinite in describing the invention. The language "means for the teeing of a golf ball" is unclear in positively defining the structure of the invention. Note the preambles of the cited patents.

In claims 4 and 5, the language "preferably" is indefinite in positively defining the invention.

In claim 5, the language "the low rate tension spring" lacks a proper antecedent basis. Further, the language of claim is indefinite as the low rate tension spring is defined as element 22 and the binder is defined as element 21. The spring is not described as being part of the binder as the claim requires.

Claims 5 and 6 are indefinite as they appear to relate to the embodiments of Figures 3, 4 and 1,2 respectively, however, it does not appear that claim 1 is commensurate with these embodiments. Regarding the embodiment of Figures 1 and 2, the keeper and binder are defined as only one element (3), however, claim 1 defines the keeper and a separate binder. Regarding

Art Unit: 3711

the embodiment of Figures 3 and 4, this embodiment defines a keeper (3) and a binder (21), however, claim 1 states that the keeper has a vertically aligned recess in which the lowest part of the stem is held.

In claim 6, the language "steel stem" lacks a proper antecedent basis as the claim never positively states that the stem is made from steel.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks (2,461,601). Regarding claim 1, insofar as this claim may be understood, Hendricks substantially teaches the claimed invention. Hendricks provides a golf tee and support comprising a mat (10), a cupped ball holder (22) held perpendicular to the mat, a ball-holder keeper (20) that receives the ball holder and a binder (21) that applies a frictional force to the stem. Hendricks also provides a flexible rubber strand (18) for maintaining the tee in the upright position. Note column 2, lines 23-25 stating that the tee is adjustable within the keeper (21). However, it is unclear if the mat of Hendricks is capable of allowing a person to stand thereon. It would have been obvious to one of ordinary skill in the art to provide the support of Hendricks with a mat sized to let a person stand on it in order to provide a stable surface for a user to use the device.

Regarding claim 2, the mat as modified above would be of sufficient size to accommodate and retain the binder and keeper.

Regarding claim 3, it would have been obvious to one of ordinary skill in the art to provide the mat of Hendricks with bristles thereon in order to simulate actual golf conditions.

Regarding claim 4, the keeper (21) is seen as being generally cylindrical and includes an end flange at the bottom portion. It is noted that the language "preferably" does not require that the keeper is cylindrical. The keeper defines a groove that receives the binder (20). However, the binder is not a low rate resilient band. It would have been obvious to one of ordinary skill in the art to eliminate the binder (20) and attach the band directly to the keeper in order to limit costs by eliminating the element.

Regarding claim 5, it is noted that the language "preferably" does not require that the keeper is square in cross-section. Insofar as this claim may be understood, Hendricks teaches the claimed structure by providing a binder (21) that accommodates the keeper. It would have been obvious to one of ordinary skill in the art to replace the band (18) with a spring in order to provide an alternative structure that is capable of maintaining the required forces on the keeper and tee.

Allowable Subject Matter

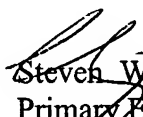
7. Claim 6 appears to read over the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 571-272-4416. The examiner can normally be reached on Monday through Wednesday 7am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Steven Wong
Primary Examiner
Art Unit 3711

SBW
June 19, 2006